

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

CITY OF EVANSTON and THE UNITED
STATES CONFERENCE OF MAYORS,

Plaintiffs,

v.

JEFFERSON BEAUREGARD SESSIONS III,
in his official capacity as Attorney General
of the United States,

Defendant.

Case No. 18-cv-4853

DOCKETING STATEMENT

The United States Conference of Mayors (“Conference”) files this docketing statement pursuant to Rule 3(c)(1) of the Circuit Rules of the United States Court of Appeals for the Seventh Circuit.

On July 16, 2018, the Conference and the City of Evanston, Illinois instituted this action against the Attorney General, Jefferson Beauregard Sessions, III, sued in his official capacity, challenging three unlawful conditions that the Attorney General placed on the Edward Byrne Memorial Justice Assistance Grant Program (“Byrne JAG”). The Byrne JAG program provides support for law enforcement in states and localities. *See* 34 U.S.C. §§ 10151-10158.

The case was originally assigned to the Honorable Charles R. Norgle. On July 24, 2018, the case was reassigned to the Honorable Harry D. Leinenweber because the district court found the case to be related to a case pending on Judge Leinenweber’s calendar, namely *The City of Chicago v. Jefferson B. Sessions, III, Attorney General of the*

United States, No. 17-cv-05720. The *City of Chicago* case also involves a challenge to the three conditions the Attorney General placed on the Byrne JAG program. There are two pending appellate proceedings in *City of Chicago* matter, which are related to this appeal: (1) *The City of Chicago v. Jefferson B. Sessions, III, Attorney General of the United States*, No. 17-2991; and (2) *The City of Chicago v. Jefferson B. Sessions, III, Attorney General of the United States*, No. 18-2649.

On August 9, 2018, the district court entered a preliminary injunction against all three challenged conditions in favor of Evanston and the Conference's members. The district court denied the Conference's request for program-wide or nationwide preliminary injunctive relief, but granted injunctive relief as to the Conference's members. Out of deference to the United States Court of Appeals for the Seventh Circuit's pending *en banc* rehearing concerning the nationwide scope of the preliminary injunction in the *City of Chicago* case, No. 17-2991, the district court immediately stayed its preliminary injunction as to the Conference.

The Conference and Evanston invoked the district court's jurisdiction under 28 U.S.C. §§ 1331 and 1346. The district court issued and immediately stayed its preliminary injunction with respect to the Conference on August 9, 2018, and the Conference timely appealed on August 9, 2018. *See* Fed. R. App. P. 4(a)(1)(B) (60-day time limit). The United States Court of Appeals for the Seventh Circuit has jurisdiction under 28 U.S.C. § 1292.

Dated: August 9, 2018

Respectfully submitted,

THE UNITED STATES CONFERENCE OF
MAYORS

By: /s/ Brian C. Haussmann
Counsel of Record

Brian C. Haussmann
John M. Fitzgerald
Katherine M. O'Brien
Kyle A. Cooper
TABET DIVITO & ROTHSTEIN LLC
209 South LaSalle Street, 7th Floor
Chicago, IL 60604
Telephone: (312) 762-9450
bhaussmann@tdrlawfirm.com
jfitzgerald@tdrlawfirm.com
kobrien@tdrlawfirm.com
kcooper@tdrlawfirm.com

CERTIFICATE OF SERVICE

I hereby certify that on August 9, 2018, I electronically filed the foregoing document by using the Court's CM/ECF system. Counsel for all parties are registered CM/ECF users, and service will be accomplished by the CM/ECF system.

By: /s/ Brian C. Haussmann
Brian C. Haussmann